

New Legislation

County Recorders Annual
Conference
April 2012

SEA 109-PL39

Amends IC 5-13-9-5.3

Effective July 1, 2012

Was applicable to CDs only

Applicable to interest bearing deposit
accounts

SEA 115-PL119

- Adds IC 1-1-3.5-8
- Specifies that changes in population parameters in legislation enacted during the 2012 regular session take effect April 1, 2012.
- Substitutes names for population parameters in various statutes

SEA 147-PL 120

- Adds IC 36-2-9-2.5, IC 36-2-9.5-2.5, and IC 36-2-10-2.5
- Effective July 1, 2012
- Requires training of county auditors and treasurers
- Similar to statutes currently for recorders, clerks and surveyors
- Amends IC 36-2-9-17
- Specifically allows for county elected officials training fund to be used for auditors and treasurers

SEA 168-PL 19

- Adds IC 13-23-7-10
- Effective July 1, 2012
- Underground storage tanks
- Lien for fees owed the State
- Department of Environmental Management to record lien

SEA 191-PL 43

- Investment of Public Funds Effective July 1, 2012
- Adds IC 5-13-9-5.7
- Allows a political subdivision to adopt an investment policy that authorizes the investment of public funds for:
 - More than 2 years
 - Not more than 5 years
- Limits the total investments outstanding

SEA 193-PL 90

- Effective January 1, 2013
- Amends IC 3-8-1-33
- A candidate for local office must file a statement of economic interest
- Adds IC 3-8-9
- Provides details on the statement of economic interest

SEA 262 –PL 126

- Effective July 1, 2012
- Repeals IC 35-44
- Relocates and reorganizes chapters under IC 35-44 to new article IC 35-44.1
 - Official Misconduct moved from IC 35-44-1-2 to IC 35-44.1-1-1
 - Conflict of Interest moved from IC 35-44-1-3 to IC 35-44.1-1-4
- Relocates certain codified crimes from IC 5 and moves to the criminal code under IC 35-44.2
- Amends IC 5-13-5-1
 - A person who violates this section is subject criminal prosecution under IC 35-44.2-2-2

HEA 1003-PL 134

- Access to public records
- Amends IC 5-14-3-3
- Within a reasonable time after the request
- Adds IC 5-14-3-9.5
- Provides for civil penalties:
 - Denying records request when
 - Public Access Counselor instructs to do so in advisory opinion and
 - Specific intent to unlawfully withhold
 - Intentionally charges copying fees in excess of amounts authorized
- Effective July 1, 2012

HEA 1005 –PL 135

- Add IC 3-5-9 Effective January 1, 2013
- Elected Office
 - The executive or a member of the executive body of a unit
 - A member of the legislative body or fiscal body of a unit
- An employee of a unit is considered resigned as an employee when the person assumes an elected office of that unit
- A volunteer firefighter or firefighter under contract that provides fire protection services for a unit may not assume or hold elected office of that unit
- Does not prohibit an employee or firefighter from holding elected office of another unit
- Limited grandfather clause

HEA 1005 –PL 135 Continued

- Nepotism
- Adds IC 36-1-20.2 Effective July 1, 2012
- Establishes minimum requirements regarding employment of relatives
- Unit is to adopt a policy that includes these requirements
- Executive must state in 100R if a policy has been implemented
- Each elected officer of the unit shall annually certify in writing that the officer has not violated this chapter
 - The certification is submitted to the executive of the unit
 - The certification is submitted not later than Dec.31st
- SBOA determines if policy has been implemented
- If not implemented the DLGF may not approve a units budget or additional appropriation

HEA 1005 –PL 135 Continued

- Adds IC 36-1-21 Effective July 1, 2012
- Establishes minimum requirements regarding relatives of elected officials contracting with a unit
- Unit is to adopt a policy that includes these requirements
- Provides disclosure and filing requirements
- Executive must state in 100R if a policy has been implemented
- Each elected officer of the unit shall annually certify in writing that the officer has not violated this chapter
 - The certification is submitted to the executive of the unit
 - The certification is submitted not later than Dec.31st
- SBOA determines if policy has been implemented
